

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VICTOR KEENAN LEMMONS, JR.,
Plaintiff,

V.

DAVID RUDD, et al.,
Defendants.

C.A. No. 20-12 Erie

District Judge Susan Paradise Baxter
Magistrate Judge Richard A. Lanzillo

MEMORANDUM ORDER

Plaintiff Victor Keenan Lemmons, Jr., an inmate incarcerated at the Erie County Prison in Erie, Pennsylvania, initiated this civil rights action on January 22, 2020, by filing a motion to proceed *in forma pauperis* (“ifp motion”), accompanied by a *pro se* complaint against three Defendants: Pennsylvania State Patrol Officers David Rudd and Christopher T. Wingard, and Erie County Assistant District Attorney Jeremy Lightner (“Lightner”). This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. Judge Lanzillo granted Plaintiff’s ifp motion on March 5, 2020, and the complaint was filed on that date. This matter was subsequently reassigned to the undersigned, as presiding judge, with Judge Lanzillo remaining as referred magistrate judge.

On September 9, 2020, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Plaintiff's claims against Defendant Lightner be dismissed as legally frivolous pursuant to 28 U.S.C. § 1915(e)(2) because they are barred by the doctrine of absolute prosecutorial immunity [ECF No. 24]. Plaintiff has since filed timely

objections to the R&R [ECF No. 25], essentially restating and attempting to expand upon the allegations of his complaint, to no avail.

After de novo review of the complaint and documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 30th day of September, 2020;

IT IS HEREBY ORDERED that Plaintiff's claims against Defendant Jeremy Lightner are DISMISSED, with prejudice, as legally frivolous pursuant to 28 U.S.C. § 1915(e)(2). The report and recommendation of Magistrate Judge Lanzillo, issued September 9, 2020 [ECF No. 24], is adopted as the opinion of the court. The Clerk is directed to terminate Defendant Lightner from this case.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge

all parties of record